

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANISHA MARTINEZ,

Defendant.

8:13CR314

ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant Anisha Martinez (Martinez) (Filing No. 71). On August 28, 2013, Martinez was ordered released upon conditions pending further proceedings (Filing No. 22). Martinez was to reside at Ogallala, Nebraska, and abide by other conditions of release. On November 14, 2013, Pretrial Services Officer Todd Beacom submitted a Petition alleging Martinez had violated the conditions of her release by failing to report to her Pretrial Services officer, by failing to maintain employment, by failing to participate in substance abuse treatment, and by associating with persons suspected to have been involved in drug use or trafficking or weapons trafficking without the approval of her Pretrial Services officer. A warrant for Martinez's arrest was issued.

Martinez appeared before the court on December 4, 2013. Martinez was represented by Jason E. Troia and the United States was represented by Assistant U.S. Attorney Meredith B. Tyrakoski. After being advised of the nature of the allegations, her rights, and the consequences if the allegations were found to be true, Martinez, through counsel, denied the allegations. The government moved for detention. A combined preliminary and detention hearing was scheduled for December 17, 2013.

On December 17, 2013, Martinez again appeared before the court. Martinez was represented by Jason E. Troia and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Martinez admitted the allegations of the Petition. The court finds the allegations of the petition are generally true and Martinez has violated the conditions of her release.

Martinez waived a hearing on detention subject to a further motion to review. The court took judicial notice of the Pretrial Services Violation Report (Filing No. 82). After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Martinez has demonstrated she is unable to comply with the conditions of her release.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 71) is granted.

2. The August 28, 2013, Order Setting Conditions of Release of Anisha Martinez (Filing No. 22) is hereby revoked.

3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 17th day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge